

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

ELWOOD H. JONES, JR.,

Petitioner,

-vs-

MARGARET BAGLEY, Warden,

Respondent.

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Case No. 1:01-cv-564

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District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

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**DECISION AND ORDER STRIKING *PRO SE* MOTION TO SUPPLEMENT THE  
RECORD**

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This case is before the Court on Petitioner's Pro Se Motion to Supplement the Record (Doc. No. 80). In it, he purports to abandon a number of grounds for relief and seeks to focus the Court's attention on certain other arguments. The Motion is stricken precisely because it was filed *pro se* and without the endorsement of counsel.

The Court realizes that this is the Petitioner's case and that his life is at stake. Because he is competent, he has the right to determine which grounds for relief will be pursued and which will not. However, no party can proceed in federal court partially *pro se* and partially on representation of counsel. So long as Mr. Jones is represented by counsel, they must sign the motion papers filed with the Court.

Therefore the Pro Se Motion to Supplement is STRICKEN without prejudice to refiling any of the substantive content with the signature of counsel.

September 23, 2006.

s/ Michael R. Merz  
Chief United States Magistrate Judge